

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID WILLETT and AMBER FOSSE,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

REDFLEX TRAFFIC SYSTEMS, INC. and
CREDITWATCH SERVICES LTD.

Defendants.

**DECLARATION OF ROB TREINEN IN SUPPORT OF
MOTION FOR CLASS CERTIFICATION AND DISCOVERY**

I, Rob Treinen, declare under penalty of perjury that the following statements are true:

1. I am in solo practice, operating under the name Treinen Law Office PC. I represent Plaintiffs David Willett and Amber Fosse and the putative class.
2. I graduated *cum laude* from the University of Minnesota Law School in 1999. I am licensed to practice law in New Mexico, Colorado, Navajo Nation (inactive), Zuni Tribal Court, United States Federal District Court for the District of New Mexico, the Tenth Circuit Court of Appeals and the United States Supreme Court. I am in good standing in all these jurisdictions.
3. After graduating from law school, I worked for New Mexico Legal Aid in Gallup, New Mexico, primarily in the field of consumer law. After 1 ½ years at New Mexico Legal Aid, I began working for Feferman & Warren, in Albuquerque, New Mexico, practicing exclusively consumer law. In 2009, this firm became known as Feferman Warren & Treinen PA. In September 2010, I left Feferman Warren & Treinen PA to start my own



practice, Treinen Law Office, where nearly 100 percent of my practice is consumer law.

4. I have personally handled more than 150 lawsuits where I represented consumers. I have been the attorney primarily responsible for the representation of plaintiffs in about 20 consumer class actions that were resolved favorably for the consumers.
5. For each of the last nine years, I have undergone at least 25 hours of training in consumer law topics. For the last 12 years, I have been a member of the National Association of Consumer Advocates, a national association of consumer law attorneys. I have presented legal education courses on consumer law topics sponsored by the National Consumer Law Center, the New Mexico Trial Lawyers Association, the First Judicial District of New Mexico, Gonzaga Law School, the Bankruptcy Section of the New Mexico State Bar and New Mexico Legal Aid.
6. Favorable published decisions in lawsuits that I personally have handled include *Fishback v. HSBC Retail Services, Inc.*, 944 F.Supp.2d 1098 (D.N.M. 2013); *Felts v. Accredited Collection Agency, Inc.*, 267 F.R.D. 377 (10th Cir. 2011); *Rivera v. American General Finance, Inc.*, 2011 NMSC 33, 150 N.M. 398, 259 P.3d 803; *Felts v. CLK Management, Inc.*, 2011 NMCA 62, 149 N.M. 681, 254 P.3d 124; *Anchondo v. Anderson, Crenshaw & Associates, LLC*, 616 F.3d 1098 (10th Cir. 2010); *Pedroza v. Lomas Auto Mall, Inc.*, 663 F.Supp.2d 1123 (D. N.M. 2009); *Cordova v. World Finance Corporation of New Mexico*, 2009 NMSC 21, 146 N.M. 256, 208 P.3d 901; *Pedroza v. Lomas Auto Mall, Inc.*, 258 F.R.D. 453 (D. N.M. 2009); *Pedroza v. Lomas Auto Mall, Inc.*, 600 F.Supp.2d 1200 (D. N.M. 2009); *Anchondo v. Anderson, Crenshaw & Associates, LLC*, 256 F.R.D. 661 (D. N.M. 2009); *Pedroza v. Lomas Auto Mall, Inc.*, 600 F.Supp.2d 1173 (D. N.M. 2009); *Fiser v. Dell Computer Corporation*, 2008 NMSC 46, 144 N.M. 464, 188 P.3d 1215 (local

counsel for *amicus* Public Justice); *Anchondo v. Anderson, Crenshaw & Associates, LLC*, 583 F.Supp.2d 1278 (D. N.M. 2008); *Billsie v. Brooksbank*, 525 F.Supp.2d 1290 (D. N.M. 2007).

7. My firm advertises in the yellow pages under the Attorney listing for "Consumer Rights."
8. As part of my practice, for the last five years I have devoted over 100 hours per year of uncompensated time to *pro bono* activities on consumer law matters, including at Law-La-Palooza events hosted by the New Mexico Second Judicial District, legal clinic for veterans and at speaker events directed to the public as well as to the legal community. I often co-counsel or provide uncompensated advice and consultation on consumer law matters to New Mexico attorneys as well as to attorneys across the country.

Signed in Albuquerque, New Mexico on December 30, 2013.



ROB TREINEN

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID WILLETT and AMBER FOSSE,
on behalf of themselves and all others similarly situated,

Plaintiffs

v.

REDFLEX TRAFFIC SYSTEMS, INC. and
CREDITWATCH SERVICES LTD.

Defendants.

**DECLARATION OF KEITH J. KEOGH
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

Keith J. Keogh declares under penalty of perjury, that the following statements are true:

1. Keogh Law, Ltd. consists of four attorneys and focuses on consumer protection cases for both individuals and class actions. I am a shareholder of the firm and member of the bars of the United States Court of Appeals for the Seventh Circuit, Eastern District of Wisconsin, Northern District of Illinois, Southern District of Indiana, District of Colorado and Illinois State Bar as well as several bar associations and the National Association of Consumer Advocates.

2. I was lead counsel in the following class settlements: *Cain v Consumer Portfolio Services, Inc.* 10-cv-02697 (N.D. Ill. Judge Keys) (TCPA); *Iverson v Rick Levin & Associates*, 08 CH 42955 Circuit Court Cook County (Judge Cohen) (TCPA); *Saf-T-Gard v Seiko*, 09 C 776 (N.D. Ill. Judge Bucklo) (TCPA); *Jones v. Furniture Bargains, LLC*, 09 C 1070 (N.D. Ill) (FLSA collective action); *Saf-T-Gard v Metrolift*, 07 CH 1266 Circuit Court Cook County (Judge Rochford) (Co-Lead) (TCPA); *Bilek v Countrywide*, 08 C 498 (N.D. Ill. Judge Gottschell); *Pacer v Rothenback*, 07 C 5173 (N.D. Ill. Judge Cole); *Overlord Enterprises v. Wheaton Winfield Dental Associates*, 04 CH 01613, Circuit Court Cook County (Judge McGann)

(TCPA); *Whiting v SunGard*, 03 CH 21135, Circuit Court Cook County (Judge McGann)
(TCPA); *Whiting v. GoIndustry*, 03 CH 21136, Circuit Court Cook County (Judge McGann)
(TCPA). I was the attorney primarily responsible for the following class settlements: *Wollert v. Client Services*, 2000 U.S. Dist. LEXIS 6485 (N.D. Ill. 2000); *Rentas v. Vacation Break USA*, 98 CH 2782, Circuit Court of Cook County (Judge Billik); *McDonald v. Washington Mutual Bank*, supra; *Wright v. Bank One Credit Corp.*, 99 C 7124 (N.D. Ill. Judge Guzman); *Arriaga v. Columbia Mortgage*, 01 C 2509 (N.D. Ill. Judge Lindberg); *Frazier v. Provident Mortgage*, 00 C 5464 (N.D. Ill. Judge Coar); *Largosa v. Universal Lenders*, 99 C 5049 (N.D. Ill. Judge Leinenweber); *Arriaga v. GNMortgage*, (N.D. Ill. Judge Holderman); *Williams v. Mercantile Mortgage*, 00 C 6441 (N.D. Ill. Judge Pallmeyer); *Reid v. First American Title*, 00 C 4000 (N.D. Ill. Magistrate Judge Ashman); *Fabricant v. Old Kent*, 99 C 6846 (N.D. Ill. Magistrate Judge Bobrick); *Mendelovits v. Sears*, 99 C 4730 (N.D. Ill. Magistrate Judge Brown); *Leon v. Washington Mutual*, 01 C 1645 (N.D. Ill. Judge Alesia).

3. The individual class members' recovery in some of these settlements was substantial. For example, in one of the cases against a major bank the class members' recovery was 100% of their actual damages resulting in a payout of \$1,000 to \$9,000 per class member. In another case against a major lender regarding mortgage servicing responses, each class member who submitted a claim form received \$1,431. *McDonald v. Washington Mutual Bank*.

4. In addition, to the above settlements, I was appointed class counsel in *Saf-T-Gard Int'l v. Vanguard Energy Servs.*, 2012 U.S. Dist. LEXIS 174222 (N.D. Ill. 2012)(TCPA Class); *Galvan v. NCO Fin. Sys.*, 2012 U.S. Dist. LEXIS 128592 (N.D. Ill. 2012); *Osada v. Experian Info. Solutions, Inc.*, 2012 U.S. Dist. LEXIS 42330 (N.D. Ill. Mar. 28, 2012) (FCRA class); *Pesce v First Credit Services*, 11-cv-01379 (N.D. Ill. December 19 2011) (TCPA Class); *Smith v*

Greytstone Alliance, 09 CV 5585 (N.D. Ill. 2010); *Cicilline v. Jewel Food Stores, Inc.*, 542 F.Supp.2d 831 (N.D.Ill. 2008)(Co-Lead Counsel for FACTA class); *Harris v. Best Buy Co.*, 07 C 2559,2008 U.S. Dist. LEXIS 22166 (N.D.Ill. March 20, 2008)(FACTA class); *Matthews v. United Retail, Inc.*, 248 F.R.D. 210 (N.D.Ill. 2008)(FACTA class); *Redmon v. Uncle Julio's, Inc.*, 249 F.R.D. 290 (N.D.Ill. 2008)(FACTA class); *Harris v. Circuit City Stores, Inc.*, 2008 U.S. Dist. LEXIS 12596,2008 WL 400862 (N.D. Ill. 2008)(FACTA class); *Pacer v Rockenbach Chevrolet Sales, Inc.*, 07 C 5173 (N.D. Ill. 2008)(FACTA class).

5. Some reported cases of mine involving consumer protection include: *Townsel v. DISH Network L.L.C.*, 668 F.3d 967 (7th Cir. Ill. 2012); *Catalan v. GMAC Mortgage Corp.*, No. 09-2182 (7th Cir. 2011) ; *Gburek v Litton Loan*, 614 F.3d 380 (7th Cir. 2010); *Sawyer v. Ensurance Insurance Services consolidated with Killingsworth v. HSBC Bank Nev., NA.*, 507 F3d 614, 617 (7th Cir. 2007), *Echevarria et al. v. Chicago Title and Trust Co.*, 256 F3d 623 (7th Cir. 2001); *Demitro v. GMAC*, 388 Ill. App. 3d 15, 16 (1st Dist. 2009); *Hill v. St. Paul Bank*, 329 Ill. App. 3d 7051, 1768 N.E.2d 322 (1st Dist. 2002); *In re Mercedes-Benz Tele Aid Contract Litig.*, 2009 U.S. Dist. LEXIS 35595 (D.N.J. 2009); *Catalan v. RBC Mortg. Co.*, 2009 U.S. Dist. LEXIS 26963 (N.D. Ill. 2009); *Elkins v. Equifax, Inc.*, 2009 U.S. Dist. LEXIS 18522 (N.D. Ill. 2009); *Harris v. DirecTV Group, Inc.*, 2008 U.S. Dist. LEXIS 8240 (N.D. Ill. 2008); *In re TJX Cos., Inc., Fair & Accurate Credit Transactions Act (FACTA) Litig.*, 2008 U.S. Dist. LEXIS 38258 (D. Kan. 2008); *Martin v. Wal- Mart Stores, Inc.*, 2007 U.S. Dist. LEXIS 89715 (N.D. Ill. 2007); *Elkins v. Ocwen Fed. Sav. Bank Experian Info. Solutions, Inc.*, 2007 U.S. Dist. LEXIS 84556 (N.D. Ill. 2007); *Harris v. Wal-Mart Stores, Inc.*, 2007 U.S. Dist. LEXIS 76012 (N.D. Ill. 2007); *Stegvilas v. Evergreen Motors, Inc.*, 2007 U.S. Dist. LEXIS 35303 (N.D. Ill. 2007); *Cook v. River Oaks Hyundai, Inc.*, 2006 U.S. Dist. LEXIS 21646 (N. D. Ill. 2006); *Gonzalez v. W.*

Suburban Imps., Inc., 411 F. Supp. 2d 970 (N.D. Ill. 2006); *Eromon v. GrandAuto Sales, Inc.*, 333 F. Supp. 2d 702 (N.D. Ill. 2004); *Williams v. Precision Recovery, Inc.*, 2004 U.S. Dist. LEXIS 6190 (N.D. Ill. 2004); *Doe v. Templeton*, 2003 U.S. Dist. LEXIS 24471 (N.D. Ill. 2003); *Ayala v. Sonnenschein Fin. Servs.*, 2003 U.S. Dist. LEXIS 20148 (N.D. Ill. 2003); *Gallegos v. Rizza Chevrolet, Inc.*, 2003 U.S. Dist. LEXIS 18060 (N.D. Ill. 2003); *Szwebel v. Pap's Auto Sales, Inc.*, 2003 U.S. Dist. LEXIS 13044 (N.D. Ill. 2003); *Johnstone v. Bank of America*, 173 F. Supp.2d 809 (N.D. Ill. 2001); *Leon v. Washington Mutual Bank*, 164 F. Supp.2d 1034 (N.D. Ill. 2001); *Ploog v. HomeSide Lending*, 2001 WL 987889 (N.D. Ill. 2001); *Christakos v. Intercounty Title*, 196 F.R.D. 496 (N.D. Ill. 2000); *Batten v. Bank One*, 2000 WL 1364408 (N.D. Ill. 2000); *McDonald v. Washington Mutual Bank*, 2000 WL 875416 (N.D. Ill. 2000); and *Williamson v. Advanta Mtge Corp.*, 1999 U.S. Dist. LEXIS 16374 (N.D. Ill. 1999). The *Christakos* case significantly broadened title and mortgage companies' liability under Real Estate Settlement Procedures Act ("RESPA") and *McDonald* is the first reported decision to certify a class regarding mortgage servicing issues under the Cranston-Gonzales Amendment of RESPA.

6. I have argued before the Seventh Circuit, the First District of Illinois and the MultiLitigation Panel in *Townsel v. DISH Network L.L.C.*, 668 F.3d 967 (7th Cir. Ill. 2012); *Catalan v. GMACM* (7th Cir. 2010); *Gburek v. Litton Loan Servicing* (7th Cir. 2009); *Sawyer v. Esurance* (7th Cir. 2007), *Echevarria, et al. v. Chicago Title and Trust Co.* (7th Cir. 2001); *Morris v. Bob Watson*, (1st. Dist. 2009); *Iverson v. Gold Coast Motors Inc.*, (1st. Dist. 2009); *Demitro v. GMAC* (1st Dist. 2008), *Hill v. St. Paul Bank* (1st Dist. 2002), and *In Re: Sears, Roebuck & Company Debt Redemption Agreements Litigation* (MDL Docket No. 1389.) *Echevarria* was part of a group of several cases that resulted in a nine million dollar settlement with Chicago Title.

7. My published works include co-authoring and co-editing the 1997 supplement to *Lane's Goldstein Trial Practice Guide* and *Lane's Medical Litigation Guide*.

8. I was invited to speak at the Social Security Administration's Chicago office in August 2013 on a presentation on identity theft, which included consumers' rights under the Fair Credit Reporting Act. I was a panelist for the May 14, 2013 Chicago Bar Association Class Action Seminar titled "The Shifting Landscape of Class Litigation" as well as for the March 20, 2013 Strafford CLE webinar titled "Class Actions for Telephone and Fax Solicitation and Advertising Post-Mims. Leveraging TCPA Developments in Federal Jurisdiction, Class Suitability, and New Technology." I lectured at the June 6, 2013 Consumer Law Committee of the Chicago Bar Association on the topic "Employment Background Reports under the Fair Credit Reporting Act: Improper consent forms to failure to provide background report prior to adverse action." I also lectured at the 2013 Fair Debt Collection Training Conference for three sessions on the TCPA, the 2012 National Consumer Law Center annual conference for a session on the TCPA; the 2012 Fair Debt Collection Training Conference for a session on the TCPA, I was a panelist for Solutions for Employee Classification & Wage/Hour Issues at the 2011 Annual Employment Law Conference hosted by Law Bulletin Seminars; I lectured at the 2011 National Consumer Law Center conference for a session titled Telephone Consumer Protection Act: Claims, Scope, Remedies as well as lectured at the same 2011 National Consumer Law Center conference for a double session titled ABC's of Class Actions.

9. I have taught *Defenses to Foreclosures* for Lorman Education Services, which was approved for CLE credit, in 2008 and 2010 and I was a guest lecturer on privacy issues at University of Illinois at Urbana-Champaign School of Law. In March 2010, I was invited to speak by the Student Legal Services Office of The Graduate School and Kellogg MBA Program

at Northwestern University for its seminar titled: "Financial Survival Guide: Legal Strategies for Graduate Students During A Period of Economic Uncertainty."

10. I was selected as a Illinois Super Lawyer Rising Star each year from 2008 through 2013 and my cases have been featured in local newspapers such as the Chicago Tribune, Chicago Sun-Times, The Naperville Sun, Daily Herald and RedEye.

11. In April 2011, Timothy J. Sostrin joined the firm. He is a member in good standing of the Illinois bar, the U.S. District Court District of Colorado, U.S. District Court Northern District of Illinois, U.S. District Court Northern and Southern Districts of Indiana, U.S. District Court Eastern and Western Districts of Michigan, U.S. District Court Eastern District of Missouri, U.S. District Court Southern District of Texas and U.S. District Court Eastern and Western Districts of Wisconsin.

12. Timothy J. Sostrin has zealously represented consumers in Illinois and in federal litigation nationwide against creditors, debt collectors, retailers, and other businesses engaging in unlawful practices. Tim has extensive experience with consumer claims brought under the Fair Debt Collection Practices Act, The Telephone Consumer Protection Act, the Fair Credit Reporting Act, the Electronic Fund Transfer Act, and Illinois law. Some of Tim's representative cases include: *Osada v. Experian Info. Solutions, Inc.*, 2012 U.S. Dist. LEXIS 42330 (N.D. Ill. Mar. 28, 2012) (granting class certification); *Galvan v. NCO Financial Systems, Inc.*, 2012 U.S. Dist. LEXIS 128592 (N.D. Ill. 2012)(granting class certification); *Saf-T-Gard International, Inc. v. Vanguard Energy Services, LLC*, (2012 U.S. Dist. LEXIS 174222 (N.D. Ill. December 6, 2012)(granting class certification); *Jelinek v. The Kroger Co.*, 2013 U.S. Dist. LEXIS 53389 (N.D. Ill. 2013)(denying defendant's motion to dismiss); *Hanson v. Experian Information Solutions, Inc.*, 2012 U.S. Dist. LEXIS 11450 (N.D. Ill. January 27, 2012)(denying defendant's

motion for summary judgment); *Warnick v. DISH Network, LLC*, 2013 U.S. Dist. LEXIS 38549 (D. Colo. 2013)(denying defendant's motion to dismiss); *Torres v. Nat'l Enter. Sys.*, 2013 U.S. Dist. LEXIS 31238 (N.D. Ill. 2013)(denying defendant's motion to dismiss); *Griffith v. Consumer Portfolio Serv.*, 838 F. Supp. 2d 723 (N.D. Ill. 2011)(denying defendant's motion for summary judgment); *Frydman et al v. Portfolio Recovery Associates, LLC*, 2011 U.S. Dist. LEXIS 69502 (N.D. Ill. 2011)(denying defendant's motion to dismiss); *Rosen Family Chiropractic S.C. v. Chi-Town Pizza*, 2013 U.S. Dist. LEXIS 6385 (N.D. Ill. 2013)(denying defendant's motion to dismiss); *Sengenberger v. Credit Control Services, Inc.*, 2010 U.S. Dist. LEXIS 43874 (N.D. Ill. May 5, 2010) (granting summary judgment on TCPA claim);

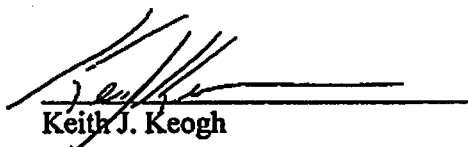
13. Tim is a member of the National Association of Consumer Advocates and ISBA. He received his Jurist Doctorate, *cum laude*, from Tulane University Law School in 2006.

14. In October 2012, Katherine Bowen joined the firm as an associate. Prior to joining the firm, Kate worked at large corporations and private firms where she worked on consumer law issues. She developed her knowledge of consumer protection laws by working at the Illinois Attorney General's Office and Legal Aid of Western Missouri.

15. Kate focuses on Illinois and federal litigation against creditors, debt collectors, retailers, and other businesses engaging in unlawful practices, including claims under the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, the Fair Credit Reporting Act, and Illinois law.

16. Kate is a 2012 graduate of the University of Illinois College of Law, Champaign, Illinois. During school she was awarded the following honors: Pro Bono Notation; Rickert Award for Excellence in Advocacy; College of Law Trial Team; Student Bar Association Engagement Grant Recipient and was also an Adjunct LLM Instructor in August 2012

Executed at Chicago, Illinois, on December 30, 2013.



Keith J. Keogh